

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**THIS DOCUMENT RELATES TO:**

*City of Rochester v. Purdue Pharma, L.P.*, No. 19-op-45853 (Track 12)

*Lincoln County v. Richard S. Sackler, M.D.*, No. 20-op-45069 (Track 13)

*City of Independence, Missouri v. Williams*, No. 19-op-45371 (Track 14)

*County of Webb, Texas v. Purdue Pharma, L.P.*, No. 18-op-45175 (Track 15)

**MDL NO. 2804**

**Case No. 17-MD-2804**

**Judge Dan Aaron Polster**

**JOINT STIPULATION AND [PROPOSED] ORDER**

Defendants UnitedHealth Group Incorporated; Optum, Inc.; OptumInsight, Inc.; OptumInsight Life Sciences, Inc.; OptumRx Discount Card Services, LLC; Optum Perks, LLC; OptumHealth Care Solutions, LLC; OptumHealth Holdings, LLC; and Optum Health Networks, Inc. (the “Optum Defendants”) intend to move to dismiss the Amended Complaints in Tracks 12–15 on jurisdictional and other grounds.<sup>1</sup>

Plaintiffs City of Rochester, New York; Lincoln County, Missouri; City of Independence, Missouri; and County of Webb, Texas have requested that the Optum Defendants respond to discovery requests in Tracks 12–15. The Optum Defendants have not done so to preserve all Rule 12

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<sup>1</sup> Seven of those Defendants—OptumInsight, Inc.; OptumInsight Life Sciences, Inc.; OptumRx Discount Card Services, LLC; Optum Perks, LLC; OptumHealth Care Solutions, LLC; OptumHealth Holdings, LLC; and Optum Health Networks, Inc.—were not party to any of the four PBM Bellwether tracks before the Court’s February 20, 2024 Order on Plaintiffs’ motion for leave to amend.

and other defenses available to them, including defenses for lack of personal jurisdiction.

To preserve the Optum Defendants' jurisdictional and other defenses, Plaintiffs and the Optum Defendants stipulate as follows:

- Plaintiffs and the PEC agree that the Optum Defendants do not waive any jurisdictional or other defenses in any opioid litigation in this MDL by participating in discovery in the MDL or engaging in any other activities related to the MDL.
- Plaintiffs and the PEC agree that they will not argue that the Optum Defendants have waived any jurisdictional or other defenses in any opioid litigation in this MDL by participating in discovery in the MDL or engaging in any other activities related to the MDL.

Subject to the Court's adoption of this stipulation on the docket confirming that the Optum Defendants preserve all Rule 12 and other defenses available to them, including as to the Court's jurisdiction, the Optum Defendants agree to do the following by March 21, 2024:

1. Serve objections and responses to Plaintiffs' December 29, 2023 "Combined Discovery Requests" (1<sup>st</sup> Set),
2. Serve objections and responses to Plaintiffs' February 6, 2024 "National Data Requests,"
3. Serve objections and responses to Plaintiffs' February 6, 2024 "Geographic Specific Data Requests," and
4. Identify proposed search terms and custodians under the relevant case management orders for Tracks 12–15 (Dkt. 5282 and Dkt. 5295).

SO ORDERED.

Date: March \_\_, 2024

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The Honorable Dan A. Polster  
U.S. District Judge for the Northern District of Ohio

Submitted: March 18, 2024

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